

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 22, 2005
SAN FRANCISCO, CALIFORNIA**

S114184

G028417 Fourth Appellate District,
G028422 Division Three

PEOPLE v. WILLIAMS (WILLIS)
Rehearing denied

Baxter, Chin, and Brown, JJ., are of the opinion
the petition should be granted.

S133687

D043697 Fourth Appellate District,
Division One

SHIRK v. VISTA UNIFIED SCHOOL DISTRICT
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Brown, JJ.

S133805

A104689 First Appellate District,
Division Two

TAUS v. LOFTUS
Petition for review granted

Votes: George, C.J., Kennard, Werdegar, Chin,
Brown, and Moreno, JJ.

S127904

G031636 Fourth Appellate District,
Division Three

BALBOA ISLAND VILLAGE v. LEMEN
Briefing ordered in previously Held case

The petition for review was granted in this matter on December 15, 2004, and further action was deferred pending the United States Supreme Court's consideration and disposition of a related issue in *Tory v. Cochran* (U.S. Sup. Ct. No. 03-1488). The United States Supreme Court has now issued a decision in that matter. (*Tory v. Cochran* (May 31, 2005) _U.S._ [125 S.Ct. 26, 159 L.Ed.2d 856]).

Respondent in the present case is now directed to serve and file, within 30 days of the filing of this order, an opening brief on the merits. Within 30 days of the filing of that brief, appellant shall file an answer brief. Within 20 days of the filing of that brief, respondent may file a reply brief to appellant's answer. (Cal. Rules of Court, rule 29.1)

S132978

B173677 Second Appellate District,
Division Four

PEOPLE v. MACKEY

Review granted/briefing deferred (rule 29.1)

Respondent's for review GRANTED.

Further action in this matter is deferred pending finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815<<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S134064

B174478 Second Appellate District,
Division Four

PEOPLE v. MUSHARBASH

Review granted/briefing deferred (rule 29.1)

Petition for review GRANTED.

Further action in this matter is deferred pending finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815<<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S134220

B168064 Second Appellate District,
Division Eight

PEOPLE v. CASTRO

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review GRANTED.

Further action in this matter is deferred pending finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815<<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> (see Cal. Rules of

Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S133682

E034779 Fourth Appellate District,
Division Two

PEOPLE v. CASARES

Petition for review granted; transferred to CA 4/2

Petition for review GRANTED.

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two for proceedings necessary to resolve the conflict between the sentence imposed and the jury's true finding on the special circumstance under Penal Code section 190.2, subdivision (a)(17), that the murder was committed by defendant while engaged in the commission of the crime of carjacking/robbery (see C.T. 176; R.T. 588).

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S132598

B170293 Second Appellate District,
Division Two

PEOPLE v. HERNANDEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S132771

F043605 Fifth Appellate District

ALUISI v. KOLKKA

Petition for review & publication request denied

S132887

A109636 First Appellate District,
Division Four

GONZALEZ (ISMAEL) ON H.C.

Petition for review denied

S132925
B181849 Second Appellate District,
Division Three

McELWEE (DWAYNE) ON H.C.
Petition for review denied

S132981
B176545 Second Appellate District,
Division Five

ALLIANCE TITLE COMPANY v. BOUCHER
Petition for review denied

S132984
G035143 Fourth Appellate District,
Division Three

PETERSON (GEORGE R.) ON H.C.
Petition for review denied

S132992
B178597 Second Appellate District,
Division Five

M. (MATTHEW), IN RE
Petition for review & publication request denied

S133013
G033970 Fourth Appellate District,
Division Three

HAFEN v. ORANGE COUNTY
Petition for review denied

S133106
H026937 Sixth Appellate District

PEOPLE v. OTTINGER
Petition for review denied

S133198
B171105 Second Appellate District,
Division Three

PEOPLE v. REYES
Petition for review denied

S133256
F047025 Fifth Appellate District

TYLER (ELONZA JESSE) ON H.C.
Petition for review denied

Baxter, J., was recused and did not participate.

S133305
B173598 Second Appellate District,
Division One

PEOPLE v. ROBLES
Petition for review denied

S133307
A109370 First Appellate District,
Division Two

BAKER (ROMARILYN) ON H.C.
Petition for review denied

S133342

B171769 Second Appellate District,
Division Seven

PEOPLE v. WILSON

Petition for review denied

S133399

G033175 Fourth Appellate District,
Division Three

PEOPLE v. ROBLES

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133413

A107500 First Appellate District,
Division Two

W. (SEAN), IN RE

Petition for review denied

S133423

B181514 Second Appellate District,
Division Five

RUDICH v. S.C. (DICKENS)

Petition for review denied

S133445

D039841 Fourth Appellate District,
D044957 Division One

PEOPLE v. ROUNTREE

Petition for review denied

S133451

B171380 Second Appellate District,
Division Two

PEOPLE v. MACIAS

Petition for review denied

S133461

B174110 Second Appellate District,
Division Six

PEOPLE v. SAFFOLD

Petition for review denied

S133465

B181692 Second Appellate District,
Division Eight

SPRINT COMMUNICATIONS v. S.C. (MILLER)

Petition for review denied

S133469

C043775 Third Appellate District

PEOPLE v. BOUTTE

Petition for review denied

S133477B181010 Second Appellate District,
Division Four

GARCIA (JAMES G.) ON H.C.

Petition for review denied

S133493B168978 Second Appellate District,
B179434 Division Eight

PEOPLE v. EVANS

Petition for review denied

S133515A105479 First Appellate District,
Division Five

PEOPLE v. CAJINA

Petition for review denied

S133528

C045860 Third Appellate District

PEOPLE v. WHEELER

Petition for review denied

S133535

C043907 Third Appellate District

PEOPLE v. SMITS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133551A107323 First Appellate District,
Division One

MCCOY v. PACK

Petition for review denied

S133557A106063 First Appellate District,
Division Three

PEOPLE v. MCGUIRE

Petition for review denied

S133587

B167376 Second Appellate District,
Division Three

PEOPLE v. ARIAS

Petitions for review denied

S133591

B163391 Second Appellate District,
Division Seven

HERRERA v. PLOTKIN

Petition for review denied

S133604

B175517 Second Appellate District,
Division Six

PEOPLE v. MARTIN

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S133634

B179434 Second Appellate District,
Division Eight

EVANS (JOSEPH) ON H.C.

Petition for review denied

S133640

F044313 Fifth Appellate District

PEOPLE v. LIGGETT

Petition for review denied

S133641

A095412 First Appellate District,
Division Four

PEOPLE v. TAYLOR

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court decides *People v Giles*, S129852.

S133697

A105302 First Appellate District,
Division One

PEOPLE v. MCDUGAL

Petition for review denied

S133698

B179503 Second Appellate District,
Division Three

21ST CENTURY INSURANCE v. S.C. (SCHWARTZ)

Petition for review denied

Request for judicial notice granted.

Werdegar, J., is of the opinion the petition should be granted.

S133699

A104153 First Appellate District,
Division Five

LUCE v. HANRAHAN

Petition for review denied

S133727

B181826 Second Appellate District,
Division One

LEWIS (VONDELL) ON H.C.

Petition for review denied

S133733

F045287 Fifth Appellate District

E. (CARLOS), IN RE

Petition for review denied

Baxter, J., was recused and did not participate.

S133735

H027098 Sixth Appellate District

MELENDREZ v. D&I INVESTMENT

Petition for review denied

S133761

F043196 Fifth Appellate District

PEOPLE v. STEVENSON

Petition for review denied

S133771

H025934 Sixth Appellate District

BROWNE v. TURNER CONSTRUCTION

Petition for review denied

Baxter and Chin, JJ., were recused and did not participate.

S133783

A104116 First Appellate District,
Division One

PEOPLE v. TAYLOR

Petition for review denied

S133789

B172883 Second Appellate District,
Division One

COALITION FOR FREE MEN v. STATE OF CALIF.

Petition for review denied

S133873

H027706 Sixth Appellate District

PEOPLE v. ROCHA

Petition for review denied

S133897

E035801 Fourth Appellate District,
Division Two

PEOPLE v. MAGALLON

Petition for review denied

S133899

B176511 Second Appellate District,
Division One

RODRIGUEZ v. FIREMANS FUND INSURANCE

Petition for review denied

S133901

F044607 Fifth Appellate District

PEOPLE v. BUENTELLO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133906

B175968 Second Appellate District,
Division Five

PEOPLE v. DEL RIO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133914

B182408 Second Appellate District,
Division Four

THRIFTY RENT A CAR v. S.C. (FREEMAN)

Petition for review denied

S133922

D044092 Fourth Appellate District,
Division One

PEOPLE v. JOYNER

Petition for review denied

S133924

B174656 Second Appellate District,
Division Seven

PEOPLE v. FELTON

Petition for review denied

S133927

H026850 Sixth Appellate District

PEOPLE v. DAVIS

Petition for review denied

S133932

C047603 Third Appellate District

PEOPLE v. ONSTOT

Petition for review denied

S133953

C043922 Third Appellate District

PEOPLE v. MCGEE

Petition for review denied

S133954B176485 Second Appellate District,
Division One

PEOPLE v. RAMIREZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133955A106464 First Appellate District,
Division Four

L., (J.), IN RE

Petition for review denied

S133957B170739 Second Appellate District,
Division Four

PEOPLE v. MONTES

Petition for review denied

S133959B169512 Second Appellate District,
B172504 Division Two

DRUM v. MIDLAND RISK INSURANCE

Petition for review denied

S133960B182828 Second Appellate District,
Division Five

FORD v. S.C. (GREEN)

Petition for review denied

S133968

H026465 Sixth Appellate District

PEOPLE v. BROUSSARD

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133977

A106921 First Appellate District,
Division Five

SLATER v. LERA

Petition for review denied

S133978

G032783 Fourth Appellate District,
Division Three

PEOPLE v. NEWLAND

Petition for review denied

S133982

C046456 Third Appellate District

SEIFERT v. SEIFERT

Petition for review denied

S133984

D044422 Fourth Appellate District,
Division One

PEOPLE v. WISEMAN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133985

C047357 Third Appellate District

PEOPLE v. HAWKINS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon

finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133996

F045139 Fifth Appellate District

PEOPLE v. STANFIELD

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S133997

F043048 Fifth Appellate District

PEOPLE v. SHEPHEARD

Petition for review denied

S133999A104713 First Appellate District,
Division Two

PEOPLE v. GARCIA

Petition for review denied

S134001E035866 Fourth Appellate District,
Division Two

PEOPLE v. LEON

Petition for review denied

S134012D046097 Fourth Appellate District,
Division One

WILLIAMS v. S.C. (PEOPLE)

Petition for review denied

S134018

F044706 Fifth Appellate District

PEOPLE v. BROTHERS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon

finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134023

A107282 First Appellate District,
Division One

PEOPLE v. MACIAS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134024

D043734 Fourth Appellate District,
Division One

PEOPLE v. BATTAGLIA

Petition for review denied

S134025

C047520 Third Appellate District

PEOPLE v. CEDENO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134026

G030091 Fourth Appellate District,
Division Three

SOLE ENERGY CO v. PETROMINERALS CORP.

Petition for review denied

S134028

D042985 Fourth Appellate District,
Division One

PEOPLE v. NATHAN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134029

B175117 Second Appellate District,
Division Five

PEOPLE v. ARREDONDO

Petition for review denied

S134030

E038056 Fourth Appellate District,
Division Two

DAVENPORT v. S.C. (PEOPLE)

Petition for review denied

S134038

C045914 Third Appellate District

PEOPLE v. WARD

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134048

B175601 Second Appellate District,
Division Five

PEOPLE v. JAQUEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/>

S126182.PDF> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. ___, 125 S.Ct. 738, on California law.

S134049

B171640 Second Appellate District,
Division Four

PEOPLE v. CHO

Petition for review denied

S134051

B182720 Second Appellate District,
Division Two

LAWSON v. S.C. (PEOPLE)

Petition for review and application for stay denied

S134053

E034952 Fourth Appellate District,
Division Two

PEOPLE v. SANDERS

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. ___, 125 S.Ct. 738, on California law.

S134057

G034164 Fourth Appellate District,
Division Three

SINGH v. DHALIWAL

Petition for review denied

S134062

B171963 Second Appellate District,
Division Two

PEOPLE v. WALKER

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. ___, 125 S.Ct. 738, on California law.

S134063

B175594 Second Appellate District,
Division Two

PEOPLE v. PHILLIPS

Petition for review denied

S134093

E036416 Fourth Appellate District,
Division Two

PEOPLE v. MACHADO

Petition for review denied

S134094

F044517 Fifth Appellate District

PEOPLE v. FLETCHER

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134098

E035470 Fourth Appellate District,
Division Two

PEOPLE v. ARTEAGA

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

S134100

C046633 Third Appellate District

PEOPLE v. PIRTLE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v.*

Washington (2004) 542 U.S. ___, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. ___, 125 S.Ct. 738, on California law.

S134270
H028410 Sixth Appellate District

PEOPLE v. S.C. (WILLIAMS)
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S134325

WASHINGTON v. SUPREME COURT (PEOPLE)
Petition for writ of mandate/prohibition denied

S134428

WASHINGTON v. SUPREME COURT
Petition for writ of mandate/prohibition denied

S134632

BRYANT v. S.C. (PEOPLE)
Petition for writ of mandate/prohibition denied

S125659

DURAN (JAMES G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616; *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S125669

CRUSON (RODNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S125691

PALERMO (DARIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

S125791

TOLIVER (ALFRED) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S126126

CRISANTOS (JESUS J.) ON H.C.
Petition for writ of habeas corpus denied

S126128

GIVENS (ROBERT L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S126142

KNIGHT (CLARENCE) ON H.C.
Petition for writ of habeas corpus denied

S126293

MILLION (CHARLIE LEE) ON H.C.
Petition for writ of habeas corpus denied

S126295

BOLANOS (HECTOR M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

S126297

HIBBERT (BYRON) ON H.C.
Petition for writ of habeas corpus denied

S126313

HINTZ (RAYMOND V.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S126315

DELENA (DAVID I.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126335

LEE (HAROLD EUGENE) ON H.C.
Petition for writ of habeas corpus denied

S126338

LAWSON (LARRY) ON H.C.
Petition for writ of habeas corpus denied

S126344

WRIGHT (FREDDIE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

S126479

BARNES (FLOYD EUGENE) ON H.C.
Petition for writ of habeas corpus denied

S126495

MILLER (STEVEN T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S126588

CABALLERO (ALEJANDRO) ON H.C.
Petition for writ of habeas corpus denied

S126623

SIRHAN (SIRHAN BISHARA) ON H.C.
Petition for writ of habeas corpus denied

George, C.J., was recused and did not participate.

S126671

FOX (JESSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S126713

HARMON (L. C.) ON H.C.
Petition for writ of habeas corpus denied

(See *Superintendent v. Hill* (1985) 472 U.S. 445
[105 S.Ct. 2768].)

S126788

MARTINEZ (VICTOR B.) ON H.C.
Petition for writ of habeas corpus denied

S126790

WALKER (SHAWN) ON H.C.
Petition for writ of habeas corpus denied

S126794

DOBSHINSKY (ALLEN M.) ON H.C.
Petition for writ of habeas corpus denied

S126797

SCOTT (NOEL PHILLIPE) ON H.C.
Petition for writ of habeas corpus denied

S126815

F. (JEFFREY) ON H.C.
Petition for writ of habeas corpus denied

S126826

CAUDILLO (PETER) ON H.C.
Petition for writ of habeas corpus denied

S126828

HARVEY (JERRELL) ON H.C.
Petition for writ of habeas corpus denied

S126835

NELSON (BURNETT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S126846

PARKER (TERRY D.) ON H.C.
Petition for writ of habeas corpus denied

S126877

WILLIAMS (CHRISTOPHER J.) ON H.C.
Petition for writ of habeas corpus denied

S126879

EDWARD (MEL T.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

S126891

THOMAS (LUTHER) ON H.C.
Petition for writ of habeas corpus denied

S126894

TAYLOR (FREDERICK) ON H.C.
Petition for writ of habeas corpus denied

S126897

ROBINSON (ALEXANDER) ON H.C.
Petition for writ of habeas corpus denied

S126898

LEE (CURTIS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S126900

LY (JOHNNY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)

S126910

AHMED (MOHAMMED) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126913

CRANE (EDWARD G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126914

GARDUNO (NICK J.) ON H.C.
Petition for writ of habeas corpus denied

S126946

SHIELDS (CECIL S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709.)

S127102

SORIA (ALBERTO C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

S127112

WAGGONER (DONNY D.) ON H.C.
Petition for writ of habeas corpus denied

S127118

SCROFANI (JOHN J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S127127

LOPEZ (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Clark* (1993) 5 Cal.4th 750.)

S127128

PABON (MIGUEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S127139

HEARN (CHRISTOPHER) ON H.C.
Petition for writ of habeas corpus denied

S127185

BROWN (SCOTT) ON H.C.
Petition for writ of habeas corpus denied

S128456

SCOTT (NOEL PHILLIPE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Dexter (1979) 25 Cal.3d 921.)

S129516

HARDNEY (JOHN) ON H.C.
Petition for writ of habeas corpus denied

S130075

LYONS (BARNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

S130520

WELLS (DONALD R.) ON H.C.
Petition for writ of habeas corpus denied

S130569

JACKSON (LOUIS T.) ON H.C.
Petition for writ of habeas corpus denied

S130738

MASON (JERRY L.) ON H.C.
Petition for writ of habeas corpus denied

S130810

KOCHER (GORDON) ON H.C.
Petition for writ of habeas corpus denied

S130927

PHILLIPS (CHARLES) ON H.C.
Petition for writ of habeas corpus denied

S133509

McNEAL (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

S133937

SIMMONS (MELVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S134005

ROBINSON (DONNIE) ON H.C.
Petition for writ of habeas corpus denied

S134151

SANDERS (CLIFFORD B.) ON H.C.
Petition for writ of habeas corpus denied

S134158

HILL (FRANK) ON H.C.
Petition for writ of habeas corpus denied

S134181

TALBOTT (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S134208

WILLIAMS (CHARLES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S134221

McNEAL (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

S134255

AVARA (TODD) ON H.C.
Petition for writ of habeas corpus denied

S134262

GEORGESON (DENNIS) ON H.C.
Petition for writ of habeas corpus denied

S134264

DONADO (JIMMY) ON H.C.
Petition for writ of habeas corpus denied

S134284

YOCOM (MICHAEL A.) ON H.C.
Petition for writ of habeas corpus denied

S134288

LYONS (BARNEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S134292

McCLOUD (CLEAVE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S134293

GREENE (CEDRIC) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S134342

WOLFINBARGER (JONATHAN C.) ON H.C.
Petition for writ of habeas corpus denied

S134363

MILLS (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134414

PHAM (VINH) ON H.C.
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474;
In re Dexter (1979) 25 Cal.3d 921.)

S134416

HIBBERT (BYRON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134462

REED (JEREMAIN) ON H.C.
Petition for writ of habeas corpus denied

S134470

HOKES (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134475

KEYS (CLIFFORD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134509

GREENE (CEDRIC) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S134565

GREENE (CEDRIC) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S134611

TAYLOR (TIMOTHY) ON H.C.
Petition for writ of habeas corpus denied

S134614

KENNARD (LONNIE) ON H.C.
Petition for writ of habeas corpus denied

S134639

BUCHANAN (VIRGIL J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

S134692

SULLIVAN (JOHN T.) ON H.C.
Petition for writ of habeas corpus denied

SAN FRANCISCO

JUNE 22, 2005

1211

S133517

F045595 Fifth Appellate District

SAN JOAQUIN RAPTOR RESCUE CENTER v. CITY
OF MERCED (UC REGENTS)

Publication request denied (case closed)

Baxter, J., was recused and did not participate.

S134372

C043846 Third Appellate District

OWENS, ESTATE OF

Publication request denied (case closed)

S133181

C045489 Third Appellate District

PEOPLE v. KNOWLES

Time extended to grant or deny review

to July 22, 2005

S123618

JENKINS (DANIEL S.) ON H.C.

Extension of time granted

to July 5, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon counsel Michael R. Snedeker's previous representation that he anticipates filing that document by 8/2/2005.

S123962

PANAH (HOOMAN ASHKAN) ON H.C.

Extension of time granted

to July 29, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Robert R. Bryan's representation that he anticipates filing that document by 7/29/2005. After that date, no further extension will be granted.

S126715

B152759 Second Appellate District,
B154184 Division Five

SOUKUP v. HAFIF

Extension of time granted

to July 29, 2005 to file appellant's answer brief on the merits.

S128576

B165498 Second Appellate District,
B168668 Division Two

PRACHASAISORADEJ v. RALPHS GROCERY

Extension of time granted

to July 27, 2005 for respondent to file reply brief
on the merits.

S134340

G034038 Fourth Appellate District,
Division Three

TUCKER v. AT&T WIRELESS SERVICES

Extension of time granted

Appellant's time to serve and file the answer to
petition for review is extended to and including
July 5, 2005,

S134552

C044201 Third Appellate District,

ANOLIK v. EMC MORTGAGE CORPORATION

Extension of time granted

Appellant's time to serve and file the answer to
petition for review is extended to and including
July 18, 2005,

S044677

PEOPLE v. HORNING (DANNY RAY)

Counsel appointment order filed

Upon request of condemned prisoner Danny Ray
Horning for appointment of counsel, Barry M.
Karl is hereby appointed to represent Danny Ray
Horning for habeas corpus/executive clemency
proceedings related to the above automatic
appeal now final in this court.

S051342

PEOPLE v. CUNNINGHAM (JOHN)

Withdrawal of counsel allowed by order

Good cause appearing, the application of
appointed counsel for permission to withdraw as
appellate attorney of record for appellant John
Cunningham, filed May 20, 2005, is granted.

The order appointing Richard P. Stookey as
appellate counsel of record for appellant John
Cunningham, filed August 10, 2001, is hereby
vacated.

Attorney Brian A. Pori, previously appointed
to represent appellant John Cunningham as

counsel of record for capital-related habeas corpus/executive clemency proceedings, is hereby appointed to also represent appellant for the direct appeal in the above automatic appeal now pending in this court.

Stookey is directed to deliver to Pori, within 30 days from the filing of this order, all clerk's and reporter's transcripts in *People v. Cunningham* (S051342), and all habeas corpus and appellate files and work product, trial files, and investigation reports and related materials obtained from appellant, appellant's trial counsel, paralegals, experts and investigators, or from any other source.

Appellant's opening brief must be served and filed on or before December 28, 2005.

Respondent's "Opposition to Withdrawal Motion of Appellate Counsel," filed May 23, 2005, is denied.

S046176

PEOPLE v. CORNWELL (GLEN)
Order filed

Appellant's motion to vacate submission of the cause is denied.

Appellant's request for permission to file supplemental briefing in light of the United States Supreme Court's recent decision in *Johnson v. California* (June 13, 2005, No. 04-6964) __ U.S. __ [05 C.D.O.S. 5024] is granted. Both parties may file simultaneous supplemental letter briefs on or before June 29, 2005, and may discuss, in addition to the decision in *Johnson v. California*, the United States Supreme Court's recent decision in *Miller-El v. Dretke* (June 13, 2005, No. 03-9659) __ U.S. __ [05 C.D.O.S. 5029]. Simultaneous reply briefs may be filed on or before July 5, 2005.

S049626

PEOPLE v. HAJEK & VO
Order filed

Appellant Stephen Edward Hajek's application for leave to file oversize opening brief is granted.

SAN FRANCISCO

JUNE 22, 2005

1214

S123344

A102790 First Appellate District,
Division Five

GRAFTON PARTNERS v. S.C. PRICE-
(WATERHOUSECOOPERS
Order filed

In the absence of adequate justification for submitting additional authority and argument to this court subsequent to the submission of the cause, petitioners' letter dated June 17, 2005, will not be considered or filed. Real party's responsive letter dated June 21, 2005, also will not be considered or filed.

S134825

GALVAN v. LACEY
Transferred to CA 3

